

REMARKS

This Amendment is in response to the Office Action dated November 3, 2006, in which claims 1-9 were rejected and in which the specification, drawings, and claims 7 and 8 were objected to because oval and diamond shaped apertures were not shown.

With this Amendment, a set of formal drawings has been submitted. The second replacement sheet of drawings, which contains FIG. 2, now shows an oval aperture, a diamond shaped aperture, and a vertically oriented rectangular aperture, consistent with claims 7, 8, and 9, respectively, of the present application. Amendments have also been made to the specification, at page 6, to specifically refer to the oval, diamond and vertically oriented rectangular shapes shown in FIG. 2, and the horizontally oriented rectangular aperture shown in FIG. 3. As a result of the replacement drawings and the amendment to the specification, the objections to the specification, drawings, and claims 7 and 8 have been overcome. Those objections should now be withdrawn.

Claims 1-6 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Blair (U.S. Patent No. 2,714,465). Claim 7 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Blair.

With this Amendment, independent claim 1 has been amended to more specifically define the claimed invention. In particular, claim 1 has been amended to clarify that the support contains at least one aperture that is positioned with respect to the base to support food on a stick or skewer that is inserted into the aperture so that the food is suspended in air and is not in contact with any surface of the baking tray. FIGS. 1 and 3 illustrate the support of food C in air, and out of contact with any surface of the baking tray.

As described in the Background of the Invention, food products on sticks, such as corn dogs, can be burnt if they are placed directly onto a tray and heated in an oven. Even if the entire food product is not burned, the portion contacting the pan or sheet may have a burnt spot. With the present

invention, the food product is supported in such a way that it can cook within an oven, without contacting any heated surfaces.

The Blair patent describes a collapsible pan that has sidewalls with vertical slots 20-25. Those slots, however, run essentially the entire height of the sidewalls. They are not positioned or configured to support food products on a stick or skewer in such a way that the product is suspended in air and out of contact with any cooking surface. Rather, Blair contemplates placing a liner such as metal foil within the pan, and placing food within the lined pan.

The present invention is defined in independent claim 1 and dependent claims 2-9 is not taught nor suggested by Blair. Claims 1-9 are now in condition for allowance.

New claims 10-18 have been added with this Amendment. Claim 10 includes a generally horizontal base, a support extending upward from the base, and at least one aperture in the support for receiving a first end of a stick or skewer carrying food on a second end. As described in claim 10, the stick or skewer and the food are supported in a cantilevered fashion so that the food is not in contact with a heated surface during cooking.

Claims 10-18 are neither taught nor suggested by the Blair patent. Claims 10-18 are in condition for allowance.

In conclusion, this Amendment has placed the application in condition for allowance. Notice to that effect is requested.

Respectfully submitted,

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